

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 8:05CR356
)
 vs.) **FINAL ORDER OF**
) **FORFEITURE**
)
RICHARD SMULL,)
)
 Defendant.)

NOW ON THIS 9th day of June, 2006, this matter comes on before the Court upon the United States' Motion for Final Order of Forfeiture and Memorandum Brief. The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On April 13, 2006, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 21, United States Code, Sections 841(a)(1), 841(b)(1) and 853, based upon the Defendant's plea of guilty to Counts I, IV and VI of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in \$730.00 in United States currency was forfeited to the United States.
2. On April 27, May 4 and 11, 2006, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal

interest(s) in said property. An Affidavit of Publication was filed herein on June 9, 2006(Filing No. 41).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the subject property, i.e., \$730.00 in United States currency, held by any person or entity, is hereby forever barred and foreclosed.

C. The subject property, i.e., \$730.00 in United States currency, be, and the same hereby is, forfeited to the United States of America .

D. The United States Marshal for the District of Nebraska is directed to dispose of said property in accordance with law.

DATED this 9th day of June, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court